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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,415	06/16/2000	Hitoshi Seki	9651/4017	1580
757 7590 01/29/2004				
BRINKS HOFER GILSON & LIONE				
P.O. BOX 10395				
CHICAGO, IL 60611				
EXAMINER				
AHMED, SHAMIM				
ART UNIT		PAPER NUMBER		
1765				

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/595,415

Applicant(s)

SEKI ET AL.

Examiner

Shamim Ahmed

Art Unit

1765

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 2 and 17.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

NADINE G. NORTON
PRIMARY EXAMINER



Continuation of 5. does NOT place the application in condition for allowance because: Applicants argue that Mueller et al do not teach that the etching composition specifically etches copper at a uniform rate throughout the etching process.

In response to the argument, examiner states that Muller et al's etching/polishing composition is exactly same as the instant invention and also Mueller et al discuss that the etching/polishing rate of the metal layer is controlled by maintaining the decomposition rate of the oxidizing agent in order to maintain an uniform rate (see the rejection).

Applicants also argue that Mueller's composition is different than that of the claimed composition because a catalyst is a necessary component in the Mueller's composition.

In response to the applicant's argument, examiner states that the argument is not persuasive because the claimed language includes the phrase of "an etching agent comprising" and which does not prohibit adding any other component.

Applicants also argue that Mueller does not teach that the slurry is an etching agent for copper.

In response, examiner states that the argument is not persuasive because Mueller teaches that the slurry is used to polish/etch metals such as copper (col.4, lines 26-30).

Applicants, further argue that Condra teaches away from the invention because Condra does not use peroxygen compounds as an etching agent, whereas Condra uses the peroxygen compounds as a rejuvenator of the etching material.

In response, examiner states that it is true that the peroxygen compound is added as a rejuvenating agent but this rejuvenating agent are present in the original microetch cleaning composition during the etching process in order to restore the etching capability of the composition (col.4, lines 34-42).

Furthermore, It is noted that the claimed invention is an etching agent, not an etching process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Shamim Ahmed
Examiner
Art Unit 1765

SA
January 21, 2004